



## Development Services Department

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### **Zoning Administrator NOTICE OF DECISION**

**Date:** August 28, 2014  
**Applicant:** Melva Ramirez  
**Case No.:** PCC-14-032  
**Address:** 376 Naples Street  
**Project Planner:** Larry Q. Tran

Notice is hereby given that on August 28, 2014 the Zoning Administrator considered a Conditional Use Permit application filed by NAME ("Applicant"), requesting approval to locate a large family day care ("Project") located at 376 Naples Street ("Project Site"). The Project is located within the Apartment Residential (R-3) Zone and has a High Residential (RH) land use designation in the General Plan. The property is owned by Melva Ramirez ("Property Owner"). The proposed Project is more specifically described below:

A large family daycare allowing a maximum of 14 children to be cared for at a single-family dwelling located in the Apartment Residential (R-3) Zone. Chula Vista Municipal Code (CVMC) Section 19.28.040(H) requires a conditional use permit for large family day care uses within a single-family dwelling.

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a class 1 categorical exemption pursuant to Section 15301 (existing use) of the State CEQA Guidelines because the project involves negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.**

The large family day care will operate in a single-family dwelling which is conveniently located on Naples Street, adjacent to Third Avenue and Fourth Avenue. As such, this use is incidental to the primary residential use of the property, and is desirable at this location as the day care use will contribute to the available supply of child care options in the vicinity and community.

2. **That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use has been conditioned to minimize impacts on the persons residing or working in the vicinity. As conditioned, the use will not be detrimental to the health, safety or general welfare of persons or property in the vicinity in that it is a land use that is commonly found in such zones. Adequate on-site parking exists for the parking of personal vehicles as required by CVMC 19.58.147 and the driveway will remain available during the hours of operation for loading and unloading of children. The City traffic engineer has reviewed the proposal and has not imposed any requirements above and beyond the conditions contained herein.

3. **That the proposed use will comply with the regulations and conditions specified in the code for such use.**

The proposed use is in the R-3 Zone and is subject to a Conditional Use Permit pursuant to Section 19.28.040(H) and to the requirements provided in CVMC 19.58.147. The proposed large family daycare, as proposed and conditioned, does meet all requirements. In addition, the proposed use meets the requirements of the underlying R-3 Zone. The nearest large family day care home is approximately a distance of 500 feet as measured between property lines and no day care uses have been permitted on the same street. There is adequate space for two vehicles available on-site for parking of personal vehicles and the driveway will be available during the hours of operation of the loading and unloading of children.

4. **That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

As stated in the Child Care Element of the City's General Plan (Chapter 5A), the Chula Vista City Council recognizes "...that child care is an important city-wide service...." It is an objective of the City to "locate child care facilities near homes, schools, work places, and major transit facilities and routes." The granting of this permit will contribute to the City's stated goals and objectives by providing an option for an easily accessible child care facility in the neighborhood near a public school and will therefore be consistent with City's General Plan.

Approval of PCC-14-032 is conditioned upon the following:

- A. Prior to the issuance of any permits required by the City of Chula Vista for the use of the subject property in reliance upon this approval, the applicant shall satisfy the following requirements:

1. Execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the property owner and applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Service Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Service Department shall indicate the property owner/applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of property owner  
at 376 Naples Street

\_\_\_\_\_  
Date

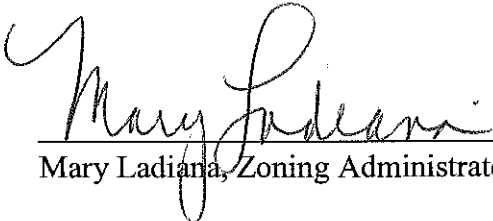
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Signature of Authorized Representative

\_\_\_\_\_  
Date

2. Obtain an application through the City of Chula Vista, Community Care Licensing Division, and execute it prior to opening for operations.
  3. Obtain a business license through the City of Chula Vista once the large family daycare application has been approved.
  4. Contact the City of Chula Vista Fire Department to schedule a Fire Clearance Inspection.
- II. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.
5. Operate the proposed use in accordance with the approved application and plans dated August 28, 2014 on file in the Planning Division, the conditions contained herein, and Title 19.
  6. Keep the existing two-car garage clear for the use of the parking of owner's personal vehicle during hours of operation as long as this permit is in effect.
  7. Driveway must remain clear of personal vehicles and be exclusively reserved for loading and unloading of children during hours of operation.
  8. No vehicles may park illegally in driveway apron or in restricted areas regarding parking of the street while loading and unloading children. Complaints from neighbors regarding parking may result in additional conditions of approval related to parking.
  9. Restrict all play activities to the rear yard of the home.
  10. Restrict the hours of operation from Monday through Friday, 6:00 am-6:00pm.

11. The Permittee/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this conditional use permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Permittee/Operator shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Permittee's/Operator's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of Permittee's/Operator's successors and assigns.
12. If any of the foregoing conditions fails to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Permittee or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
13. An annual review of this permit is required to determine compliance with state and City requirements. If on review, the City finds that the use is in violation of the conditions listed herein or violates any standards of the Municipal Code, the Zoning Administrator may schedule a meeting with the applicant to consider modification or possible revocation of the permit. Decisions of the Zoning Administrator may be appealed to the City Council.
14. This Conditional Use Permit shall become void and ineffective if not utilized or extended within three years from the effective date thereof, in accordance with Section 19.14.260 of the Municipal Code.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this twenty-eighth day of August 2014.

  
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Mary Ladiana, Zoning Administrator